

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

As a preliminary matter, in the Office Action mailed April 1, 2004, the Examiner did not include initialed copies off all three pages of references submitted in the PTO-1449 form that were mailed to the PTO on January 31, 2001. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record. The Examiner also did not indicate the references on said PTO-1449 form were not in conformance with MPEP 609. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record.

In the Office Action mailed April 1, 2004, the Examiner did not indicate that the Foreign Patent Document on the PTO-1449 form mailed June 30, 2003 was considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that this reference was not in conformance with MPEP 609. As such, applicant respectfully requests that the Examiner indicate that this reference has been considered and made of record.

In the Office Action mailed April 1, 2004, the Examiner did not indicate that the Other Documents on the PTO-1449 form mailed October 31, 2000 were considered and made of record by initialing the corresponding box on the PTO-1449 form. The Examiner also did not indicate that these references were not in conformance with MPEP 609. As such, applicant respectfully requests that the Examiner indicate that these references have been considered and made of record.

Office Action Rejections Summary

Claims 21 – 25, 30 and 34 have been rejected under 35 U.S.C. §112, second paragraph. Claims 21 – 25 have been rejected under 35 U.S.C. §112, second paragraph. Claims 30 and 34 have been rejected under 35 U.S.C. §112, second paragraph.

Claims 1 – 8, 10 – 12, 14 – 23, and 25 – 37 have been rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent No. 5,748,884 of Royce et al. (hereinafter "Royce").

Claims 9, 13 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Royce in view of U.S. Patent No. 5,754,111 of Garcia et al. (hereinafter "Garcia").

Status of Claims

Claims 1 – 37 remain pending in the application. Applicant respectfully acknowledges that claims 27 – 37 are not withdrawn as indicated in the Office Action Summary. Claims 1, 7, 15, 19 – 26, 29, 30, and 34 have been amended to define the invention more properly. The amended claims are supported by the specification and no new matter has been added. No claims have been canceled.

Claim rejections under 35 U.S.C. §112

Claims 21 – 25, 30 and 34 have been rejected under 35 U.S.C. §112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Claims 21 – 25 have been amended to correct for a minor typographical error. Claims 30 and 34 have been amended to define the invention more properly.

Claim rejections under 35 U.S.C. §102(b)

Claims 1 – 8, 10 – 12, 14 – 23, and 25 – 37 have been rejected under 35 U.S.C. §102(b) as being anticipated by Royce. Applicant respectfully submits that claims 1 – 8, 10 – 12, 14 – 23, and 25 – 37 are not anticipated by Royce under 35 U.S.C. §102(b).

Amended claim 1 recites:

A method, comprising:
 accessing a port of a host system by another system to monitor a parameter for a predetermined event related to the host system;
 generating a notification upon the occurrence of the predetermined event to a first person in a hierarchy; and
 escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period. (emphasis added)

Amended claim 20 recites:

A machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:
 accessing a port of a host system by another system to monitor a parameter for a predetermined event related to the host system;
 generating a notification upon the occurrence of the predetermined event to a first person in a hierarchy; and
 escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period. (emphasis added)

Royce discloses a system that automatically performs notification procedures based on specific messages detected from an operating system. In particular, Royce discloses:

Each mainframe LPAR 202a . . . 202n is treated as an individual computer, with a number of jobs being processed (executing) on each one. Each site that houses a mainframe 202a . . . 202n is referred to as a Data Center in a typical enterprise. Each

mainframe LPAR 202a . . . 202n is connected via coaxial cable to an Outboard Console PC (OBCP) 204a . . . 204n.

(Royce, col. 4, lines 2 – 7, and FIG. 2)

Royce also discloses that autonotifications are provided for jobs that are executed on the mainframes, such as job failures, errors, and delays. A software program stored and executed on the mainframe LPAR 202a determines the appropriate actions to take when triggered by a job. (Royce, col. 4, lines 30 – 38, and FIG. 2). As such, the mainframe LPAR 202a monitors jobs that are executed on itself. Nothing in Royce discloses that the mainframe LPAR 202a monitors jobs on another system.

In contrast, independent claims 1 and 20 each include the limitation of “accessing a port of a host system by another system to monitor a parameter for a predetermined event related to the host system.” As such, applicant respectfully submits that claims 1 and 20 are not anticipated by Royce under 35 U.S.C. §102(b) and request removal of the rejection.

Claims 2 – 6, 10 – 12 and 14, 16 – 19 depend either directly or indirectly from independent claim 1, and thus include the limitation of “accessing a port of a host system by another system to monitor a parameter for a predetermined event related to the host system.” Claims 21 – 23 depend directly from independent claim 20, and thus include the limitation of “accessing a port of a host system by another system to monitor a parameter for a predetermined event related to the host system.” As such, claims 2 – 6, 10 – 12, 14, 16 – 19, 21 – 23 are also not anticipated by Royce under 35 U.S.C. §102(b).

Amended claim 7 recites:

A method, comprising:
monitoring a parameter of a host system for a predetermined event;
generating a notification upon the occurrence of the predetermined event to a first person in a hierarchy; and
escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period, **wherein the parameter is monitored using a satellite system located locally to the host system** and wherein the notification is generated remotely from the host system.

(emphasis added)

With respect to claim 7, the Office Action states:

Royce discloses the method of claim 1, wherein the parameter is monitored using a satellite system located locally to the host system and wherein the notification is generated remotely from the host system (the message is generated from a system connected to the host).

(Office Action, 4/1/04, Royce, col. 4, lines 2 – 7, and FIG. 2)

Applicant respectfully submits that Royce does not disclose a parameter monitored using a satellite system. The mainframe LPAR 202a of Royce executes a software program stored on itself to detect a triggering event that occurs during the execution of programs on LPAR 202a, and determines what action take. A message specifying such actions is then written to the corresponding OBCP 204a, an operating console such as a PC. (Royce, col. 4, lines 32 – 40, and FIG. 2). As such, the OBCP 204a does not perform any monitoring functions for LPAR 202a.

In contrast, claim 7 includes the limitation of “wherein the parameter is monitored using a satellite system located locally to the host system.” As such, applicant respectfully submits claim 7 is not anticipated by Royce under 35 U.S.C. §102(b). Claim 8 depends directly from claim 7, and as such, is also not anticipated by Royce.

Amended claim 26 recites:

An apparatus, comprising:

means for accessing a port of a host system by another system to monitor a parameter for a predetermined event;

means for generating a notification upon the occurrence of the predetermined event to a first person in a hierarchy; and

means for escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period. (emphasis added)

Royce discloses a system that automatically performs notification procedures based on specific messages detected from an operating system. In particular, Royce discloses:

Each mainframe LPAR 202a . . . 202n is treated as an individual computer, with a number of jobs being processed (executing) on each one. Each site that houses a mainframe 202a . . . 202n is referred to as a Data Center in a typical enterprise. Each mainframe LPAR 202a . . . 202n is connected via coaxial cable to an Outboard Console PC (OBCP) 204a . . . 204n.

(Royce, col. 4, lines 2 – 7, and FIG. 2)

Royce also discloses that autonotifications are provided for jobs that are executed on the mainframes, such as job failures, errors, and delays. A software program stored and executed on the mainframe LPAR 202a determines the appropriate actions to take when triggered by a job. (Royce, col. 4, lines 30 – 38, and FIG. 2). As such, the mainframe LPAR 202a monitors jobs that are executed on itself. Nothing in Royce discloses that the mainframe LPAR 202a monitors jobs on another system.

In contrast, independent claim 26 includes the limitation of “means for accessing a port of a host system by another system to monitor a parameter for a predetermined event.” As such, applicant respectfully submits claim 26 is not anticipated by Royce under 35 U.S.C. §102(b) and request removal of the rejection.

Claims 27 – 28 depend directly from independent claim 26, and thus include the limitation of “means for accessing a port of a host system by another system to monitor a parameter for a predetermined event.” As such, claims 27 – 29 are also not anticipated by Royce under 35 U.S.C. §102(b).

Amended claims 15, 25, and 29 have each been rewritten from their original dependent forms to independent claims that include all the limitations of their base claim.

Amended claim 15 recites:

A method, comprising:
monitoring a parameter of a host system for a predetermined event;
generating a notification upon the occurrence of the predetermined event to a first person in the hierarchy;
escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period; and
generating a trouble ticket at a predetermined point in the hierarchy to track the escalation. (emphasis added)

Amended claim 25 recites:

A machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:
monitoring a parameter of a host system for a predetermined event;
generating a notification upon the occurrence of the predetermined event to a first person in a hierarchy; and
escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period, wherein the processor further performs ***generating a trouble ticket at a predetermined point in the hierarchy to track the escalation.*** (emphasis added)

Amended claim 29 recites:

An apparatus comprising:

means for monitoring a parameter of a host system for a predetermined event

means for generating a notification upon the occurrence of the predetermined event to a first person in a hierarchy;

means for escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period; and

means for ***generating a trouble ticket at a predetermined point in the hierarchy to track the escalation.***

(emphasis added)

Amended claims 15, 25, and 29 each includes the limitation of “generating a trouble ticket at a predetermined point in the hierarchy to track the escalation.” With respect to claims 15, 25, and 29, the Office Action states:

As per claim 15, 25, and 29, Royce discloses a method, machine readable medium, and apparatus comprising generating a trouble ticket at a predetermined point in the hierarchy to track the escalation.

(Office Action, page 6, lines 10 – 12).

Applicant respectfully submits that Royce does not disclose generating any type of trouble ticket to track the escalation. The Office Action points to col. 12 lines 1 – 9 of Royce which discusses a Write to Operator Respond (WTOR) message is created to request a specific page. However, nothing in this section of Royce, or any other section for that matter, discusses generating a trouble ticket at a predetermined point in the hierarchy to track the escalation.

In contrast, claims 15, 25, and 29 includes the limitation of “generating a trouble ticket at a predetermined point in the hierarchy to track the escalation.” As such, applicant respectfully submits claims 15, 25, and 29 are also not anticipated by Royce under 35 U.S.C. §102(b).

Amended claim 19 recites:

A method, comprising:
monitoring a parameter of a host system for a predetermined event;
generating a notification upon the occurrence of the predetermined event to a first person in a hierarchy;
escalating the notification to a second person in the hierarchy when the first person fails to acknowledge the notification in a time period; and
determining an asset parameter of the host system.

(emphasis added)

As such, applicant respectfully submits claim 19 is also not anticipated by Royce under 35 U.S.C. §102(b) and request removal of the rejection.

With respect to claim 19, the Office Action states, "As per claim 19, Royce discloses the method of claim 17, further comprising determining an asset of the host system (determining what the host system provides). Applicant respectfully submits that the assets referred to by the Office Action are actually the different types of events (e.g., job failures, completion of a job, delay of a job) that trigger the notification.

In contrast, the determination of an asset parameter as stated in claim 19 refers to the asset parameters of an infrastructure. As stated in the originally filed application:

The asset parameters are those that may be used to track and identify the assets of business site 210 that may be used by, for example, an accounting department. The asset parameters may include, for examples: serial number of a host; model number of a host; rack location; asset ID; lease ID; operating system type; the number of processors the host has installed; processor type.

(Detailed Description, page 26, lines 11 – 16)

Amended claim 30 recites:

An apparatus, comprising:

an access portal to interface with a host system and monitor an event for a parameter,

a digital processing system coupled to the portal, the digital processing system to receive data indicative of an occurrence of the event and generate a first notification; and

a notification gateway coupled to the digital processing system to transmit the first notification to a first communication device, the digital processing system to generate a second notification to a second communication device if an acknowledgment is not received within a predetermined time.

(emphasis added)

Claim 34 recites:

A system, comprising:

a host satellite system coupled to a first network;

a plurality of communication devices; and

a monitoring operations center coupled to the first network, the monitoring operations center comprising:

an access portal to interface with a host system and monitor an event for a parameter,

a digital processing system coupled to the portal, the digital processing system to receive data indicative of an occurrence of the event on the first network and generate a first notification; and

a notification gateway coupled to the digital processing system to transmit the first notification to one of the plurality of communication devices, the digital processing system to generate a second notification to another of the plurality of communication devices if an acknowledgment is not received within a predetermined time.

(emphasis added)

Royce discloses a system that automatically performs notification procedures based on specific messages detected from an operating system. In particular, Royce discloses:

Each mainframe LPAR 202a . . . 202n is treated as an individual computer, with a number of jobs being processed (executing) on each one. Each site that houses a mainframe 202a . . . 202n is referred to as a Data Center in a typical enterprise. Each mainframe LPAR 202a . . . 202n is connected via coaxial cable to an Outboard Console PC (OBCP) 204a . . . 204n.

(Royce, col. 4, lines 2 – 7, and FIG. 2)

Royce also discloses that auto-notifications are provided for jobs that are executed on the mainframes, such as job failures, errors, and delays. A software program stored and executed on the mainframe LPAR 202a determines the appropriate actions to take when triggered by a job. (Royce, col. 4, lines 30 – 38, and FIG. 2). As such, there is no interface with the mainframe to monitor jobs. Nothing in Royce discloses an access portal to interface with a host system and monitor an event for a parameter.

In contrast, independent claims 30 and 34 include the limitation of “an access portal to interface with a host system and monitor an event for a parameter.” As such, applicant respectfully submits claims 30 and 34 are not anticipated by Royce under 35 U.S.C. §102(b) and request removal of the rejection.

Claims 31 – 33, depend directly from independent claim 30, and thus include the limitation of “an access portal to interface with a host system and monitor an event for a parameter.” Claims 35 – 37 depend directly from independent claim 34, and thus include the limitation of “an access portal to interface with a host system and monitor an event for a parameter.” As such, claims 31 – 33 and 35 – 37 are also not anticipated by Royce under 35 U.S.C. §102(b).

Claim rejections under 35 U.S.C. §103(a)

Claims 9, 13 and 24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Royce in view Garcia. Applicant respectfully submits that claims 9, 13 and 24 are patentable under 35 U.S.C. §103(a) over Royce in view Garcia. Claims 9 and 13 depend from independent claim 1, claim 24 depends from

independent claim 20, and as such, claims 9, 13, and 24 include the limitation of “accessing a port of a host system by another system to monitor a parameter for a predetermined event related to the host system.” As discussed above, nothing in Royce discloses or suggests this limitation.

Garcia discloses a system for monitoring healthcare conditions from a hospital information system. In particular, Garcia discloses:

The preferred invention recognizes “indicia” or events relating to “healthcare conditions” from a hospital information system or network, for example, which may include information and data obtained from a laboratory, radiology, pharmacy, ADT, outpatient scheduling, dentistry, patient records and various other healthcare specialty modules, as well as various internal health delivery, communications, support and administration systems and applications.

Events 10 arrive into a network event file monitored by a receiver 12 that uses an event-type information profile 14 to identify triggering events 16 that users would like to deliver in a time-sensitive fashion with confirmed delivery to selected targets via the alerting system 100. The event-type information profile may also indicate if an on-going alert from an earlier triggering event can be revoked if a certain other event takes place or the event record itself is changed in a predetermined manner.

(Garcia, col. 4, lines 19 – 37, and FIG. 1).

As such, the alert system of Garcia monitors healthcare conditions (e.g., hospital and patient information) and has nothing to do with monitoring a condition related to the performance of the hospital information system on which the events may be stored. In other words, the alerting system of Garcia does not monitor a particular information system (i.e., a computer system), but rather what appears to be user inputted data (health related) that is stored on the information system. As such, Garcia fails to cure the deficiency of Royce.

It is respectfully submitted that Royce and Garcia do not teach or suggest a combination with each other. The Office Action states:

As per claim 9 and 24, Royce discloses a method, machine readable medium, and apparatus of claims 1 and 20. Royce does not

disclose further comprising providing a possible cause of the predetermined event occurrence. Garcia discloses providing a possible cause. See column 7, lines 22-61. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the providing a possible cause of Garcia with the message of Royce. A person of ordinary skill in the art would have been motivated to do this so that the recipient would know how to handle the situation. As per claim 13, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the schedules of Garcia with the rules of Royce.

(Office Action, 4/1/04, p. 10).

Here, the Office Action merely states an advantage of substituting the alert rules of Garcia with the notification system of Royce, without explaining what specific understanding or technological principle within the knowledge of one of ordinary skill in the art would have suggested the combination. The “cause” of Garcia relates to health data which has nothing to do with information relating to the host system.

It would be impermissible hindsight, based on applicant’s own disclosure, to combine Royce and Garcia. Garcia relates to notifications based on monitoring health conditions, whereas Royce relates to mainframe monitoring. Applicant respectfully submits that one of ordinary skill in the art of mainframe monitoring would not look towards the art of health condition monitoring.

Even if Royce and Garcia were combined, it would still not result in the limitations of claims 1 and 20. As stated above, claims 1 and 20 each include the limitation of “accessing a port of a host system by another system to monitor a parameter for a predetermined event related to the host system.” The combination of Royce and Garcia does not teach this limitation. As such, the combination cannot be interpreted to disclose the limitations of claims 9, 13 and 24. Therefore, applicant respectfully requests the withdrawal of the rejection of the claims under 35 U.S.C. § 103(a) over the combination.

In conclusion, applicant respectfully submits that in view of the arguments and amendments set forth herein, the applicable rejections have been overcome.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



Dated: July 30, 2004

Suk S. Lee
Registration No. 47,745

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300